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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,816	01/22/2004	William J. Shaw	10527-455001	6207
26161	7590	06/28/2007	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			ISABELLA, DAVID J	
		ART UNIT	PAPER NUMBER	
		3738		
		MAIL DATE	DELIVERY MODE	
		06/28/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10-762-816			

EXAMINER

ART UNIT      PAPER

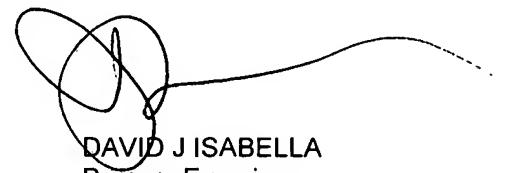
20070625

DATE MAILED:

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Commissioner for Patents

SEE ATTACHED PAPER.

  
DAVID J ISABELLA  
Primary Examiner  
Art Unit: 3738

***Response to Amendment***

The reply filed on 2/20/2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant is required to elect one patentably distinct species from each categories A,B,C and D. Therefor applicant's election should include, for example, A1,B2,C 1 and D3. Applicant should then set forth all claims readable on the elected species. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

For applicant's benefit, Examiner has restated the previous restriction, as set forth in the last office action, below:

***Election/Restrictions***

This application contains claims directed to the following patentably distinct species:

A) device composition:

1. single ceramic fiber and single metalloid;
2. single ceramic fiber and two metalloid
3. first and second ceramic fiber

4. single ceramic fiber and single metalloid
5. single ceramic fiber and non-ceramic fiber
6. polymer, ceramic fiber and metalloid

B) form of the device

1. stent
2. stent-graft
3. medical balloon
4. catheter

C) polymer-fiber combination

1. polymer layered on structure
2. polymer matrix and fiber reinforcement
3. polymer layer and second layer of fiber with metalloid
4. tubular structure, polymer and fiber on the tubular structure

D) fiber configuration

1. continuous length along the entire length of the device
2. helically wound about the device
3. discrete fibers
4. woven
5. knitted
6. intertwined

7, braided

. The species are independent or distinct because as supported by applicant's own specification, the various embodiments are set forth in different patents. Continuous fibered devices are physically different than discrete fibered devices. The process of weaving is distinct from the processes of knitting or braiding. Layering and various conformation of the subcomponents are distinct in the prior arts. Lastly, a stent, stent-graft, balloon and catheter all have separate status in the art.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J. ISABELLA whose telephone number is 571-272-4749. The examiner can normally be reached on MONDAY-FRIDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CORRINE MCDERMOTT can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3738

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DAVID J ISABELLA  
Primary Examiner  
Art Unit 3738

DJI  
6/22/2007